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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,582	01/05/2004	Telmo Olavo Campos		3109

7590 03/07/2005
Stephen E. Feldman, P.C.
12 East 41st Street
New York, NY 10017

EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,582	Applicant(s) CAMPOS, TELMO OLAVO	
	Examiner Gary K Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01052004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 10 sets forth “a first and second end wheel”. However, “end wheel” has not been clearly set forth in the written description.

Also, the disclosure is objected to because of the following informalities: The specification interchanges terminology for various components. Such leads to confusion. For example, on page 9, lines 17-18, reference numerals 23 and 24 are used to refer to both the proximal ends and the distal ends. On page 12, lines 28-30, reference numerals 4 and 5 are used to reference both main gears and main wheels.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 16, there is no antecedent basis for "said main gear". Also, in line 14, it appears ---the--- should be inserted before "main" for proper grammar.

In claim 10, lines 2-3 appear confusing. Applicant sets forth both drive wheels and end wheels. However, it appears (end wheels are not defined in the written description) that such is the same structure. Such appears duplicative. Clarification is required.

In claim 13, line 2, there is no antecedent basis for "the rear" and "the case".

Claim 15 appears improper. The claim does not set forth any particular structure for the sweeper. It is not clear what "said" is referencing as part of the claim appears to be missing. Additionally, claim 15 is not in sentence form as there is no period at the end of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by De Kadt et al (US patent 2,625,698).

The patent to De Kadt discloses the invention, a sweeper, as is claimed, including first and second main wheels (26,27) capable of spinning in both counterclockwise and clockwise directions, a brush wheel (51) driven by the main wheels and capable of spinning in a counterclockwise direction irrespective of the spinning direction of the main wheels and a plurality of intermediate wheels (38,54) capable of translating the spinning motion from the main wheels to the brush wheel. It appears that each of the wheels are at least capable of simultaneous and non-slip spinning.

With respect to claim 10 and in-so-far as such is understood with respect to the end wheels, the patent to De Kadt meets the claim. Wheels (54) of De Kadt are considered to be first and second “end wheels” to which a main wheel can be automatically shifted.

Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Liebscher (US patent 3,638,267).

The patent to Liebscher discloses the invention, a sweeper, as is claimed, including a main wheels (7, fig.1) capable of spinning in both counterclockwise and clockwise directions to rotate a brush wheel (6) in a counter clockwise direction irrespective of the direction of the main wheel. A plurality of intermediate or end wheels (10,11) translate the motion of the main wheel to the brush wheel. The main wheel is capable of automatically shifting to one of the intermediate or end wheels such that unidirectional rotation of the brush wheel is maintained. Each of the wheels is "capable" of simultaneous and non-slip spinning. A dust pan (13) is provided between the brush wheels (6,6a) to hold the debris that is picked up.

With respect to claim 11, note retainer (5b) for holding the main wheel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebscher (US patent 3,638,267).

The patent to Liebscher discloses all of the above recited subject matter with the exception of the dust pan being semicircular in shape and a rear wheel supporting the rear of the case.

While Liebscher discloses a dust pan that is somewhat U-shaped in cross section (fig.1), to slightly change the shape does not appear to involve invention. Mere changing of the shape of the dust pan does not appear significant or anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing a dust pan to the sweeper. Minor changes in shape, lacking some criticality, do not appear to involve invention.

With respect to claim 13, while Liebscher only discloses two main wheels (7) on one side of the sweeper, it would appear a mere duplication of parts to provide a main wheel on each end (for a total of four main wheels) of the brush wheel, to ensure consistent driving of the brush wheel during sweeping. It would have been obvious to one of skill in the art to provide four main wheels and thus gear combinations to promote increased driving of the brushes. Thus, one of the drive wheels could be considered a rear support wheel.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebscher (US patent 3,638,267) in view of Christesen (US patent 1,972,870).

The patent to Liebscher discloses all of the above recited subject matter with the exception of a handle.

The patent to Christesen discloses using a handle (21) with a floor sweeper (fig.1), as is well known.

Art Unit: 1744

It would have been obvious to one of skill in the art to provide the sweeper of Liebscher with a handle, as clearly suggested by Christesen, to enable increased use of the sweeper at remote distances.

Allowable Subject Matter

Claims 2-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

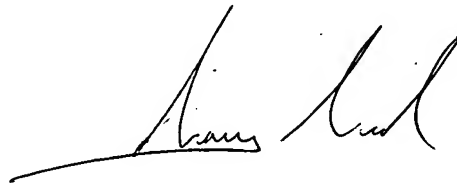
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gary K. Graham", with a long horizontal line extending from the left side of the signature.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
03 March 2005